

**BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA**

DANIEL WHITNEY,
Petitioner,

-v-

TIDYMAN'S, LLC. ,
Respondent

Case No.: 0041010921

**ORDER AFFIRMING NOTICE
OF DISMISSAL**

On September 4, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party, Dan Whitney (Whitney), filed objections with the Montana Human Rights Commission (Commission). Whitney originally requested oral argument, but withdrew this request before hearing. Tidyman's, represented by Trent Baker, appeared and presented argument. The Commission considered the matter on November 19, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Whitney's assertion that he had been discriminated on the basis of age, disability, and/or perceived disability by his former employer, Respondent, Tidyman's, LLC.

After careful and due consideration, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. 24.9.1714(3), ARM.

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. § 49-

2-509(5), MCA (2003); 24.9.1714(5), ARM. If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled. The Commission adopts the findings of the Human Rights Bureau and the notice of dismissal is affirmed.

DATED this ____ day of November 2004.

Chair Gary Hindoien
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on November ____ 2004.

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